

Application No. 10/789,946
Amendment dated June 29, 2011
Reply to Office Action of March 30, 2011

REMARKS

Claims 1, 3-15, 17-20, and 31-34 are pending in the present Application and all claims have been finally rejected. Applicant has cancelled claim 4 without prejudice.

Claims 18, 32, and 34 have been objected to because of certain specified informalities. Applicant has appropriately amended these claims.

Claims 1, 3-7, 9-15, 17-20, and 33 have been finally rejected under 35 U.S.C. §103(a) as being unpatentable over published European Patent Application No. EP0781064A2 by Jorma Seppanen et al. ("Jorma") in view of U.S. Patent Application Publication No. 2003/0129971 by Gopikanth ("Gopikanth").

Jorma is directed to a multi-mode mobile terminal having a single prioritized list of all available cellular networks and which provides access to the various networks based on the user's needs. Jorma stores a single prioritized list of networks that are accessible from the mobile station and, in response to an input from the mobile station user, will reprioritize the networks. See col. 4, lines 3-11. The user may be presented with a list of all of the available services in all of the available networks so that one of them may be selected. See col. 6, lines 20-27. Additional networks may be searched for and discovered and the mobile unit may be caused to search for networks having a selected type of service. See Abstract and col. 6, lines 27-31.

Applicant's claimed invention requires that the listing be dynamically updatable and, in particular, that the values associated with a second network in the mobile node storage element indicating network-portion capability are to be altered when a message from the

Application No. 10/789,946
Amendment dated June 29, 2011
Reply to Office Action of March 30, 2011

second network is of values indicating the second network portion's capability to be different than those values indicated in the listing. That is, a network entry already in the stored memory is to be dynamically altered when a message indicates a different capability for the network. With this feature, any network upgrades implemented at the radio access networks to improve their capabilities are broadcast and implemented by the mobile nodes receiving the broadcast. See Application, paragraph [0045] and now-cancelled claim 4.

Jorma, however, does not disclose the feature of being able to alter the network portion's capabilities for already-stored network lists. Rather, Jorma only has the capability of adding new networks. In order that Applicant's claims unambiguously state this difference, Applicant has amended the independent claims to make clear that the "second network portion" is unambiguously a network having "values" already stored at the mobile node. This feature was already claimed in the unamended language but Applicant now believes it was possible to misinterpret the scope of Applicant's dynamic update.

Examiner has observed that Jorma does not disclose a detector coupled to the storage element adapted to receive a message from a second network portion identifying values associated with the second network and to responsively alter the values stored in the storage element to alter the indication of network-portion capability of the second network portion of the listing when the message is of values identifying a second network portion capability to be different than identified in the listing; storing the unaltered values stored in the storage element. Examiner has introduced Gopikanth as having earlier disclosed this feature. Gopikanth is directed to the selection of a wireless network that will meet certain network

Application No. 10/789,946
Amendment dated June 29, 2011
Reply to Office Action of March 30, 2011

qualities, such as bandwidth, for a mobile station. Gopikanth discloses that class-of-service is sent to mobile stations as part of system information. See paragraph [0021]. The mobile station compiles a list of networks and makes a suitable selection based upon the class-of-service required by the mobile station. See paragraph [0037]. Further, the mobile station may continually search for new networks that offer better resources and offer access through these new networks to the subscriber. See paragraph [0043], emphasis added.

Gopikanth does not teach that stored values of second network portion capability are to be altered, as the claims require. Gopikanth teaches that new networks with different classes-of-service may be added. Thus Gopikanth does not disclose the missing features of Applicant's invention. And since neither Jorma nor Gopikanth, alone or in combination, disclose all of the claimed elements, a *prima facie* case of §103 obviousness has not been presented and the independent claims 1 and 15 are believed allowable. Claims 3-7, 9-14, 17-20, and 33, dependent thereon are also believed allowable as dependent claims dependent upon presumed allowable independent claims.

Claims 32 and 34 have been finally rejected under 35 U.S.C. §103(a) as being unpatentable over Gopikanth in view of U.S. Patent No. 7,606,242 to Whelan et al. ("Whelan"). As described above, Gopikanth does not teach the dynamic altering of the indication of second radio access network capability in the listing in the second database. Rather, Gopikanth teaches the addition of new networks with other classes-of-service to a mobile station list of networks. Gopikanth does not address the problem of network upgrades disclosed by Applicant and resulting in Applicant's claimed invention.

Application No. 10/789,946
Amendment dated June 29, 2011
Reply to Office Action of March 30, 2011

Examiner has observed that Gopikanth does not disclose the providing of the altered indication of the second radio access network capability to the first listing in the central database. The Whelan reference has been added as disclosing this missing element. Whelan is directed to network management and the enhancement of network security by control of the associations made between mobile units and known managed access points. Examiner has directed Applicant to Fig. 1 and col. 8, lines 33-40 as teaching the missing element.

Applicant respectfully disagrees that the claimed missing element is disclosed by Whelan, since Whelan discloses that the mobile unit "determines if the association lists on the mobile unit 34 needs to be synchronized with the lists 16 on the server, and if so, updates the association lists 70." Col. 8, lines 33-36, emphasis added. Whelan's association lists are lists of access points that are mandated for use, excluded from use, or designated as preferred access points. See col. 4, lines 35-47. Whelan's mobile unit, therefore, undertakes a task of synchronization of the lists of access points. Whelan does not teach that the mobile unit alters any access point capabilities in the lists, or that any such capabilities are in fact stored at Whelan's mobile unit. Furthermore, Whelan's list synchronization is responsive to a polling and determination of a need for synchronization while Applicant has now claimed that the provision of an altered indication is responsive to the selection of a radio network.


Therefore, all of the elements of the invention claimed in Applicant's claims 32 and 34 have not been disclosed in Gopikanth or Whelan, taken alone or in combination. Since a *prima facie* case of obviousness has not been made, Applicant believes claims 32 and 34 to be allowable over the cited art.

Application No. 10/789,946
Amendment dated June 29, 2011
Reply to Office Action of March 30, 2011

Claim 31 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gopikanth and Whelan in view of U.S. Patent Application Publication No. 2003/0186695 by Bridges et al. Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Jorma and Gopikanth in view of U.S. Patent Application Publication No. 2004/0224689 by Raghjoram. Claims 8 and 31 are dependent claims, dependent upon presumed allowable independent claims and, as such, are believed to be allowable.

In light of the foregoing amendment and remarks, Applicant believes the present Application to be in a condition suitable for allowance. Applicant respectfully requests Examiner to enter the present Amendment, withdraw the objection and rejections, reconsider the claims as amended, and pass the present Application, as amended, to allowance.

Respectfully submitted,


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